

THE AUTONOMY OF BUSINESS LAW. PRINCIPLES

MIHĂILĂ Carmen Oana, TEACĂ Mihaela Ioana
University of Oradea
omihaila@uoradea.ro, mihaela.teaca@yahoo.fr

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The business law has its roots in the commercial one, in the conservative conception it is only a name of the commercial law which is requested by the new economic realities and by the juridical institutions.¹ It is considered that the business law is an economic law which comprises regulations about the currency, credit, aspects regarding competition and prices, the economic agents, the enterprises, the goods and services, the production economic activities, the trading and the input. Anyway, the business law is „law”, not „economy”². Most of the times, it also reflects the policy of the state at a national level, for exemple, the fight against inflation, the public assistance. It has also been considered that the business law is mainly an industry law³.

The statute of the business law can be nowadays in Romania that of an autonomous law branch, its coexistence with the commercial law being a matter of a university studies programme rather than a rigid, insurmountable separation between the two disciplines⁴.

The conclusion is that there is a partial autonomy of the business law, this one being a real connection between the commercial law and the economy.

The principles of business law are:

1. The principle of freedom in commerce
2. The principle of the appearance in business and the commercial contracts
3. The principle of the onerous feature of the juridical documents and operations which have a commercial nature
4. The principle of the loyal and normal competitor in business

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¹ G. Ripert, R. Roblot, Traite de droit commercial, XII - eme ed., tome I, LGDJ, Paris, 1990, page 5

² R. D. Păun, op. cit. , page 3

³ E. Alfadari, Droit des affaires, les cadres generaux, Litec Publishing House, Libraire de la Cour de cassation, 1993

⁴ A. Morariu, Dreptul afacerilor (Suport de curs), page 27, on <http://facultate.regielive.ro/cursuri>